

ASSEMBLY BILL

No. 1347

Introduced by Assembly Member Grove

February 18, 2011

An act to amend Sections 3355 and 3767 of the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1347, as introduced, Grove. Oil and gas: geothermal: operations: enforcement actions.

Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the operation of oil, gas, and geothermal wells in specified districts of the state. Existing law establishes procedures for an operator of a well or owner of a rig, derrick, or other operating structure to appeal from an order of the State Oil and Gas Supervisor or a district deputy regarding the operation of a well, or drilling or testing operations, including appeal of these orders to the Director of Conservation and judicial review of the director's decision. Existing law specifies the scope of judicial review of a decision of the director. .

This bill would require the court's inquiry to extend to whether the decision of the director was unreasonable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3355 of the Public Resources Code is
2 amended to read:

1 3355. When an operator seeks judicial review of a decision of
2 the director, including a decision following a hearing conducted
3 in accordance with Chapter 5 (commencing with Section 11500)
4 of Part 1 of Division 3 of Title 2 of the Government Code, the
5 court shall hear the cause on the record before the director or an
6 administrative law judge. New or additional evidence shall not be
7 introduced in court. The court's inquiry shall extend to whether
8 the director acted without or in excess of jurisdiction, whether
9 there was a fair hearing, *whether the decision of the director was*
10 *unreasonable*, and whether there is any prejudicial abuse of
11 discretion. Abuse of discretion is established if the administrative
12 proceeding has not been conducted in the manner required by law,
13 the decision is not supported by the findings, or the findings are
14 not supported by substantial evidence in light of the whole record.

15 SEC. 2. Section 3767 of the Public Resources Code is amended
16 to read:

17 3767. When an operator seeks judicial review of a decision of
18 the director, including a decision following a hearing conducted
19 in accordance with Chapter 5 (commencing with Section 11500)
20 of Part 1 of Division 3 of Title 2 of the Government Code, the
21 court shall hear the cause on the record before the director or an
22 administrative law judge. New or additional evidence shall not be
23 introduced in court. The court's inquiry shall extend to whether
24 the director acted without or in excess of jurisdiction, whether
25 there was a fair hearing, *whether the decision of the director was*
26 *unreasonable*, and whether there is any prejudicial abuse of
27 discretion. Abuse of discretion is established if the administrative
28 proceeding has not been conducted in the manner required by law,
29 the decision is not supported by the findings, or the findings are
30 not supported by substantial evidence in light of the whole record.